

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

TARASIK ABDELL, et al.

Index No. : 05 CV 8453

-v-

AFFIDAVIT OF SERVICE

THE CITY OF NEW YORK, et al.


State of New York)
) ss.:
County of New York)

Luis R. Ayala, being duly sworn, deposes and says that the deponent is not a party to this action, is over the age of eighteen years, is an independent process server (license number 1024905), and resides in the State of New York:

(1) That on the 28th day of October 2005 at 10:11 a.m. deponent served a Summons and Complaint in the above-captioned matter upon Raymond Kelly, Commissioner of the NYPD at his place of employment, One Police Plaza, New York, NY 10038. The documents were accepted and signed for by PO Michelle Lambert, at the Legal Department, on the 14th floor. She was Caucasian, approximately 5'5", 175 pounds, 25 years old with brownish-blond hair.

(2) That on the 3rd day of November 2005, deponent mailed true copies of the Summons and Complaint to Raymond Kelly at the same address where he was served. The envelope was marked "Personal and Confidential" and without any indication that communication was from an attorney or concerned any action against the individual. The envelope was placed in a U.S. mailbox at the post office located at Vermilyea and 204th Street,

New York, NY.



Luis R. Ayala
109 Seaman Ave., #4E
New York, NY 10034

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SAO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

SOUTHERN

District of

NEW YORK

TARASIK ABDELL, et al.

SUMMONS IN A CIVIL ACTION

V.

THE CITY OF NEW YORK, et al.

CASE NUMBER:

05 CV 8453

TO: (Name and address of Defendant)

Raymond Kelly
Commissioner of the NYPD
One Police Plaza
New York, NY 10038

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Michael L. Spiegel
111 Broadway, Suite 1305
New York, NY 10006

POLICE DEPARTMENT
CITY OF NEW YORK
2005 OCT 28 A 10:11

Michelle Lambert

an answer to the complaint which is served on you with this summons, within twenty days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL McMAHON

SEP 30 2005

CLERK

DATE

(By) DEPUTY CLERK

AO 440 (Rev. 8/01) Summons in a Civil Action

| RETURN OF SERVICE | | |
|---|----------|--------------|
| Service of the Summons and complaint was made by me ⁽¹⁾ | DATE | |
| NAME OF SERVER (PRINT) | TITLE | |
| <i>Check one box below to indicate appropriate method of service</i> | | |
| <input type="checkbox"/> Served personally upon the defendant. Place where served: <input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left: <input type="checkbox"/> Returned unexecuted: <input type="checkbox"/> Other (specify): | | |
| STATEMENT OF SERVICE FEES | | |
| TRAVEL | SERVICES | TOTAL \$0.00 |
| DECLARATION OF SERVER | | |
| <p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p> <p>Executed on _____ Date</p> <p style="text-align: right;">_____ Signature of Server</p> <p style="text-align: right;">_____ Address of Server</p> | | |

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.